

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO, DARIN JEFFERS, MICHAEL O'TOOLE, MICHAEL BOURGAL, FRANK H. FINKEL, JOSEPH A. FERRARA, SR., MARC HERBST, THOMAS CORBETT and ROBERT G. WESSELS, *as Trustees and Fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Fund,*

Plaintiffs

— against —

BURTIS CONSTRUCTION CO., INC. and XYZ ENTITIES 1-10, *all whose true names are unknown, constituting members of a controlled group of corporations or business entities or trades or businesses under common control with BURTIS CONSTRUCTION CO., INC.,*
Defendants.

20-CV-4864 (ARR) (ARL)

Opinion & Order

**Not for electronic or print
publication**

ROSS, United States District Judge:

This Court has received the Report and Recommendation on the instant case dated December 28, 2021, from the Honorable Arlene R. Lindsay, United States Magistrate Judge. No objections have been filed. The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874 (CBA)(LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371 (LDH)(LB), 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)). Having reviewed the record, I find no clear error. I

therefore adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, I grant plaintiffs' motion for default judgment as against defendant Burtis. The plaintiffs shall be awarded the following: \$544,315.00 in withdrawal liability; \$424,655.18 in interest on the withdrawal liability calculated from March 1, 2017 through June 30, 2021, plus \$268.43 per day accruing from July 1, 2021; \$424,655.18 in liquidated damages on the withdrawal liability; \$26,975.51 in unpaid contributions; \$26,734.93 in interest on unpaid contributions as determined by Audit No. 17-0023, through June 30, 2021, plus \$13.30 per day accruing from July 1, 2021; \$26,734.93 in liquidated damages on unpaid contributions as determined by Audit No. 17-0023; \$700.00 in audit costs; \$4,020.00 in attorneys' fees and \$1,070.20 in costs.

SO ORDERED.

_____/s/_____
Allyne R. Ross
United States District Judge

Dated: January 19, 2022
Brooklyn, New York